

REMARKS / ARGUMENTS

Remaining Claims

Twenty Nine (29) claims (Claims 1 – 12 and 14 – 30) remain pending in this application through this Amendment. Claim 13 has been deleted and Claims 1, 12, 16, 18, 24, and 30 have been amended herein. As explained in more detail below, Applicants have amended the claims to more clearly point out and distinctly claim the invention, and submit that all claims are now in condition for allowance and respectfully request such action. Attached hereto is a marked-up version of the changes made to the claims by the present amendment. The attached page is captioned "Version With Marking To Show Changes Made."

Drawings

Examiner has objected to the drawings under 37 CFR 1.83(a) because they allegedly fail to show a contact lens having the eccentricity as described in the specification. Applicants respectfully request reconsideration of this rejection. Specifically, Applicants submit that FIGS. 1 – 3 and 6 – 7 adequately illustrate the invention. Because the eccentricity of the lens is such that changes in amplitude are on the order of fractions of microns, such eccentricities are not easily reduced to illustration. Furthermore, a magnification of a cross section of the lens would not adequately illustrate the invention since in many of the embodiments described, a cross section passing from the center of the lens to the edge of the lens would not sufficiently illustrate the claimed variation in eccentricities as a function of the equatorial angle.

FIGS. 6 and 7 attempt to illustrate various embodiments of the invention in graphical form showing the nature of continuous variation of the eccentricity as a function of the equatorial angle. It is submitted that these Figures provide a better representation of the various embodiments of the invention than a illustration.

However, if Examiner disagrees with Applicants' position in this regard, Applicants would greatly appreciate Examiner's suggestions concerning an appropriate illustration and/or particular features to be incorporated therein.

Information Disclosure Statement

While the undersigned Attorney for the Applicants is not presently aware of particularly pertinent passages within the cited references, it is noted that the International Search Report (PCT/ISA/210) indicated that the entirety of US Patent No. 3,937,566 to Townsley was a "Category X" reference to Claims 1 – 6, 12, 16, and 24.

Likewise the entireties of US Patent Nos. 5,831,713 to *Fritsch, et al.* and 4,153,349 to *Wichterle* were "Category A" documents to Claims 1 – 30.

Additionally, Applicants consider the disclosures of the prior art documents discussed in the "Background of the Invention," namely US Patent Nos. 4,704,016 and 4,898,461; to be particularly relevant.

Rejection of Claims 12 – 30 under 35 USC §112, second paragraph

Claims 12 – 30 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 12, 16, 24, and 30 have been amended to provide antecedent basis for the term "angle ϕ ." Specifically, the claims have been amended to provide that the surfaces have an "equatorial angle ϕ ."

Therefore, in view of Applicants' claim amendments, Applicants submit that Claims 12 - 30 are no longer indefinite. Applicants, therefore, respectfully request that this rejection be withdrawn.

Rejection of Claims 1, 2, 4 - 10, 12, 16, and 17 under 35 USC §102(b) - Zhang

Claims 1, 2, 4 - 10, 12, 16, and 17 stand rejected under 35 USC §102(b) as anticipated by US Patent No. 5,408,281 to *Zhang*.

Claims 1 – 11 have been deleted. Claims 12 and 16 have been amended to specify that the eccentricity of the surface is a function only of the equatorial angle ϕ . The eccentricity (to the extent that that term can define the surface of such lenses) of the lenses taught by *Zhang* vary not only with the equatorial angle ϕ , but also along the radius of the lens (See FIG. 4, thereof). Thus, the eccentricity of the lens cannot be said to vary "continuously as a function only of the angle ϕ ." Claim 17 is dependent from Claim 16.

Therefore, because *Zhang* does not teach each and every of the claimed elements of the present invention, Claims 12, 16, and 17 are not anticipated by this reference. Applicants, therefore, respectfully request that this rejection be withdrawn.

Rejection of Claim 3 under 35 USC §103(a) - Zhang in view of Perrott

Claim 3 stands rejected under 35 USC §103(a) as being obvious under US Patent No. 5,408,281 to *Zhang* in view of US Patent No. 5,771,088 to *Perrott*.

Claim 3 has been deleted.

Rejection of Claim 11 under 35 USC §103(a) - Zhang in view of Bernstein

Claim 11 stands rejected under 35 USC §103(a) as being obvious under US Patent No. 5,408,281 to *Zhang* in view of US Patent No. 6,109,749 to *Bernstein*.

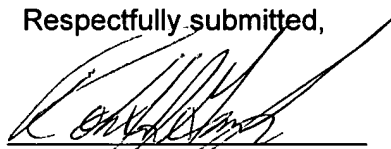
Claim 11 has been deleted.

CONCLUSION

In view of the foregoing and in conclusion, Applicants submit that the 35 USC §§102, 103, and 112 rejections set-forth in the Office Action have been overcome, and that the pending claims are not indefinite, anticipated by, or obvious over the cited art, either individually or in combination. Applicants request reconsideration and withdrawal of the rejection(s) set-forth in the Office Action. Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned.

Please address all correspondence to Novartis Corporation, Corporate Intellectual Property, One Health Plaza, Bldg. 430, East Hanover, NJ 07936-1080. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

Respectfully submitted,



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VERSION WITH MARKING TO SHOW CHANGES MADE

In the Claims

Please delete Claims 1 – 11.

Please amend Claims 12, 16, 24, and 30 as follows:

12. (amended) A contact lens comprising:

a front surface and a back surface, one of the front surface and the back surface being an aspheric surface having an equatorial angle ϕ wherein an eccentricity of the aspheric surface varies continuously as a function only of the angle ϕ .

16. (amended) A contact lens comprising:

a top portion and a bottom portion having an equatorial angle ϕ , the top portion having a constant eccentricity as a function of the angle ϕ , the bottom portion having an eccentricity that varies continuously as a function only of the angle ϕ .

24. (amended) A contact lens comprising:

a top portion and a bottom portion, and two opposite side portions, the top portion having a first eccentricity along a selected arc, the bottom portion having a second eccentricity different from the first eccentricity along the selected arc and the side portions having an equatorial angle ϕ and an eccentricity that varies continuously as a function of the angle ϕ along the selected arc.

30. (amended) A contact lens comprising:

a front surface and a back surface, one of the front surface and the back surface being an aspheric surface having an equatorial angle ϕ wherein an eccentricity of the aspheric surface varies continuously as a function of the angle ϕ , wherein a near correction power is located between 30°-150° and a distance correction power is located between 210°-330°.